THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.5331 of 2006

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21st March 2006

Between:

1. Rachuri Shankar, S/o.Somaiah

And three others.

...PETITIONERS

AND

1. The District Collector, Ranga Reddy District at Hyderabad.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO. 5331 of 2006

ORDER:

The case of the petitioners is that they have purchased an extent of Acs.59.10 gts situated in Survey Nos.215, 216, 217, 235 and 236 of Taramathipet Village, Hayathnagar Mandal, Ranga Reddy District under unregistered documents from the original pattadars namely S.Tej Kumar, Vijay Kumar, Moola Pentaiah and others. The said unregistered sale transactions have been regularized under Section 5-a of the A.P.Record of Rights in Land and Pattadar Pass Books Act, 1971 ('the Act 1971' for brevity) by the third respondent in File No.B/9841, 9842, 9843 and 9844/1998 and thereafter, Certificates under Section 5-A (4) of the Act 1971 and in Form No.13-B & C of the Act 1971 were issued. It is stated that at the instance of M/s.Ambedkar Yuvajana Sangham, the third respondent came to their land on 10.03.2006 and threatened them to dispossess on the ground that the said land is Bhoodan land under the A.P.Bhoodan and Gramdan Act, 1953 ('the Act 1953' for brevity), without following due procedure of issuing notice and the said action is illegal and unsustainable.

I am not inclined to express any opinion on the fact that whether the said land is Government land or Bhoodan land under the Act 1953. However, even if the land is Government land or Bhoodan land under the Act 1953, without following due procedure and without issuing notice to the petitioners, they cannot be dispossessed. If the land is Government land or Bhoodan land under the Act 1953, any regularization of the unregistered sale transaction and payment of stamp fee and registration fee will not give them any right or title over the land. Therefore, it is always open to the respondents to take appropriate action following due procedure prescribed in law.

Subject to the above, the Writ Petition is disposed of. No costs.

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(V.ESWARAIAH, J)

21st March 2006

RRB